

Union Township Environmental Commission

Minutes of the October 9, 2007 Regular Meeting

The October 9, 2007 Regular Meeting of the Union Township Environmental Commission was called to order at 7:03 PM.

The notice of meeting as published in the Hunterdon County Democrat and the Courier-News satisfied the requirements of the Open Public Meeting Act, and was also posted in the Municipal Building, on the Union Township website and filed with the Municipal Clerk.

I. **Roll call:**

Present: Kathleen Corcoran, Alan Ford, Bill Harclerode, Stephen Hurford,
Brian Kirkpatrick, Michele McBride, Robert Nargi, Sandy Stiger,

Absent: Bob Beylickjian

Public: V.J. DiRoberto, Frank Goldberg, Frank Mazza, Charlie Policastro, Andy Riehl

Others: Eileen Swan (Executive Director, Highlands Council)
Tom Borden (Highlands Council)

II. **Introductions:**

Mr. Nargi introduced new members Michele McBride, William Harclerode (Alternate I) and Kathleen Corcoran (Alternate II)

III. **Approval of Minutes:**

Approval of the minutes from the September 11, 2007 meeting was moved by Mr. Kirkpatrick and seconded by Ms. Stiger, and approved by a 5-0 vote.

IV. **Old Business:**

None

V. **Correspondence:**

Mr. Nargi reported that the Township had received an application for billboard signage along Route 173/78 and had rejected the application.

VI. **New Business:**

Ms. Eileen Swan, Executive Director of the Highlands Commission, assisted by Mr. Tom Borden, gave a presentation on the Highlands Act and the draft Regional Master Plan. Some written materials outlining incentives, exemptions and waivers were provided, along with a land use capability map for the entire Highlands region.

A new draft of the Plan is expected to be released on November 19. This version will incorporate suggestions and concerns expressed over the past months, and will be available for public comment. A public hearing will be held, and it is expected that the plan will be finalized in January or February of 2008.

Ms. Swan acknowledged the considerable work that had already been done in Union Township, with mapping, identification of wetlands and other sensitive areas, and the interest in open space and farmland preservation. She noted that approximately 80% of Union Township's land area is in the preservation area, and 20% in the planning area. The Act applies to the preservation area, but the township has an option as to whether the Act can also apply to the planning areas. Grants designed to provide for expenses to make their decisions and to prepare conforming master plans and ordinances are available to the township.

A question and answer period followed.

- Some questioners asked about provisions to assist landowners whose property had apparently lost value due to the Act's restrictions on development. Responses included a

discussion of the various waivers available for property owners that permit development in certain circumstances. The Act does not provide for monies for these landowners. However, the Council will assist with identifying money that may be available from Green Acres, Farmland Preservation and other sources. Ms. Swan suggested that inquiries on specific situations be directed to her office for a response considering all the aspects of each particular situation.

- ✧ Another questioner asked whether towns should form a "Highlands Working Group" at this time and what should be accomplished by doing so while awaiting the final Regional Master Plan. The response was to become familiar with the provisions of the Act and the draft Plan and to look at available mappings and other information, and compare to existing township mappings and master plans. In other words, to be ready to move when the final Plan is approved.
- ✧ A question was asked as to whether the Act applied only to vacant properties. The response was that it applies to all properties, and noted that properties in farmland preservation and with conservation easements were included.
- ✧ Another questioner asked about continued funding, and how properties with low priority would be treated. Ms. Swan replied that Green Acres and Farmland Preservation funds could be used, and failing that, there were provisions for waivers and exemptions, as described in the handouts.
- ✧ Another questioner asked about commercial properties that have lost value. Mr. Borden stated that there was room for relief and waivers for such properties.
- ✧ Another questioner asked about the issue that property owners in a portion of the state were losing property utility and value in order to provide drinking water supplies for 5.4 million residents in other parts of the state. The response was that the Act does not deal with this issue, and that a legislative remedy is required. For example, there have been proposals to impose a fee on water users that might be used to address these issues of equity. It was noted the NJWSA does make such a charge, and has put that money into communities in their watershed area for protection of the water supply through acquisition and remediation.
- ✧ Another question was asked about the timeframes for approvals of waivers and exemptions. The response was that the expected times for exemptions was 3 months and waivers 12 months, although there was insufficient experience to know what was actually going to be the case as volume accelerates. Some concern was expressed that the Council office had not always been prompt in response to queries.
- ✧ A questioner asked about the appointment of Council members. The response was that the Council consists of 15 members who are appointed from among elected officials (8) and other citizens with requirements for representation from affected counties. The appointments are made as political appointments within the representation constraints. The questioner followed up noting that the Act involves a loss of home rule. Ms. Swan replied that this was true with respect to preservation areas, but that local option existed for the planning areas. Finally, the questioner expressed frustration with the changing nature of communications from the Council.

Ms. Swan offered to return after the next version of the Master Plan is released and work with the township to help us consider our approach to the Act and to work with us in obtaining grant monies to develop our approach and response.

Mr. Kirkpatrick summed the discussion by noting that there are advantages to the Act as well as financial impacts that will affect different situations in different ways. He noted it is important to be accountable to the people as we proceed.

VII. **Chairman's Report:**

1. Mr. Nargi reported that he would be developing the next edition of the newsletter for release in January or February and was looking for articles. Ms. McBride offered to provide articles on subjects such as composting and invasive plant species.

2. Mr. Nargi reported he had contacted the Township Engineer about cataloging conservation easements. It was noted that UTEC had decided earlier (see September minutes) to request the Township Attorney prepare a request for proposal (RFP) to have a title search done to identify existing conservation and other easements. Mr. Nargi will contact the Township Attorney to begin this process.

VIII. Committee Reports:

Open Space Committee:

1. Ms. Stiger reported that the committee would be developing a model for the contents of the property-specific "conservation easement file" that would be prepared for each conservation easement identified.
2. In response to a question from Mr. DiRoberto, Ms. Stiger noted that Mendham Township used a similar process several years ago and found it to be effective. The cost at that time was \$5000.
3. Mr. Goldberg and Mr. DiRoberto noted that earlier attempts to do the search pointed up the complexity of the task, and that it was extremely difficult and time consuming.

Equestrian Trails:

1. Mr. Kirkpatrick volunteered to work with Mr. Beylickjian to develop a proposal to the Township Committee including a map identifying the locations, and a mock-up of the proposed signs, as approved at the September UTEC meeting.
2. Mr. DiRoberto asked that any plan and mappings be referred to the Trail Association before it is presented to the Township Committee.

Planning Board:

1. Mr. Kirkpatrick reported that the Pilot Application has been denied.
2. Mr. Kirkpatrick reported that the Renaissance applicant had agreed to some lighting and other changes, and has been granted conditional final approval.
3. Mr. Kirkpatrick noted both the Township Committee and the Planning Board have been involved with developing a solution to the Grand Colonial tree removal issue. The property owner has agreed to provide 54 replacement trees, of which 8 will be on the property and the remainder placed throughout the town. Mr. Mazza noted that Carl Hintz would be working on the specifics. Mr. Nargi suggested that Mr. Kirkpatrick work with Mr. Hintz due to his knowledge of tree species.
4. Mr. Harclerode asked about activity at Louise's Truck Stop, and whether any recent soil erosion and sediment control plans had been approved by the Hunterdon County Soil Conservation District. Mr. Nargi will give Mr. Harclerode the file to see if we have received any notice. Mr. Harclerode asked if he could contact Soils. Mr. Kirkpatrick noted that whenever a UTEC member makes a public statement or contacts an agency as a representative of UTEC, the member must reflect position of UTEC as a whole, which should be based on discussion with the UTEC chair or the action of UTEC. A member can express their individual opinion as a private citizen at any time, however.

Property Management:

1. Mr. Nargi noted that a meeting with the roofer is pending.
2. Mr. Nargi noted that we were looking at the septic system for the white house on the Hoffman tract in preparation for renting the property.
3. Mr. Nargi reported that a safety fence has been installed around the pool.
4. Mr. Mazza reported that he had repaired four steps and cleared some brush so that the electric company could read the meters on the property.
5. Mr. Nargi stated that we need to obtain the deed and contracts for the various properties so that we can evaluate what options might be possible for using the various buildings. Mr. Mazza stated that the Township Attorney should be able to provide that information upon request. Mr. Nargi will pursue this information.

Noise:

1. Mr. Harclerode reported that he had obtained sample ordinances from four other towns concerning truck engine braking and related noise issues. He plans to present a specific recommendation to UTEC next month.
2. Mr. Harclerode reported that the committee will consist of Christine Belinski, and Kathleen Corcoran volunteered to participate.
3. Mr. Harclerode asked about how to contact DOT on enforcement of existing ordinances and regulations, and about the paving schedule for Route 78 and possible use of low-noise asphalt. Mr. Mazza noted that the recently scheduled DOT meeting had been cancelled, and that he would keep Mr. Harclerode advised as to when a meeting will occur.

Sidney Brook 319 Project:

1. Mr. Hurford reported that a meeting took place on September 19 with representatives from UTEC, SBWA, NJWSA and Princeton Hydro. No DEP staff attended.
2. Mr. Hurford noted that part of the plan includes a letter to property owners requesting access, and was concerned that the letter would not require a positive response. He requested that he have an opportunity to review the letter before it is released.
3. Mr. Hurford noted that the scope of the project had expanded beyond the original intent, as the proposal originally called for sampling at various points along the stream, and that it now appeared to be expanding to involving walking the streams within a 600 foot corridor, which would require considerably more property access permission.
4. Mr. Hurford also questioned the wisdom of identifying "hot spots" to examine more closely, before any specific problem was identified in the water quality sampling.
5. Mr. Goldberg described his belief about the original scope of the project, which was initiated during his tenure.
6. Mr. DiRoberto inquired as to who was the project manager for this effort. Mr. Nargi replied that Princeton Hydro was running the project, and that DEP had approved it. There was considerable discussion as to where the project management resided. Mr. DiRoberto stated that he did not believe his question had been answered and requested that the record note this objection. Mr. DiRoberto also requested a copy of the relevant proposal document. After some discussion, it was moved by Mr. Kirkpatrick and seconded by Mr. Harclerode to postpone further discussion on this matter until the project documents could be provided to each member of UTEC and reviewed. The motion was approved 7-0.

IX. Hearing of Citizens:

No further comments were made by the public.

X. Next Meeting:

The next meeting of the Commission will be Tuesday, November 13, 2007 at 7:00 pm at the municipal building.

XI. Adjournment:

The Chair asked for a motion to adjourn. It was moved by Mr. Kirkpatrick, seconded by Mr. Hurford, and approved by a 7-0 vote.

Respectfully Submitted,

Alan Ford, Secretary